

**REMARKS****I. Status of the Claims**

Claims 1, 3 and 34-55 are pending. Claims 1, 3, 35-55 stand rejected under 35 U.S.C. §112, second paragraph and §102, while claim 34 is allowed. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

**II. Substitute Corrected Sequence Listing**

As has been discussed in telephone conversations with the examiner, *the original and first replacement sequence listings contained some errors*. Thus, a comparison of prior sequences listings to the most recent listing will reveal differences. However, the most recent sequence listing is *correct*. Specifically, with regard to SEQ ID NO:17, the correct length is 12 residues, as now presently reflected (for example, see page 4 of the original application, where it was shown as having 12 residues).

With regard to the six new sequences, in amending Table 8B to include proper sequence identifiers, it was discovered that six sequences (not claimed, and hence not previously associated with a SEQ ID NO), were included in that table. Thus, applicants added those sequences to the most recent sequence listing for the sake of completeness.

**III. Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 1, 3 and 35-55 are rejected under the second paragraph of §112. The examiner argues that "an amino acid sequence" is ambiguous with respect to the inclusion of all or part of the recited sequences. Applicants traverse, as "an amino acid sequence" simply refers to the one of the SEQ ID NOs listed, *in their entirety*. However, in the interest of advancing the

prosecution, applicants have amended the claim to address the clarity concerns of the examiner and try to make it clear that a peptide as recited includes all of the residues set forth in a given SEQ ID NO. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

**IV. Rejections Under 35 U.S.C. §102**

**A. *Larrick et al.* ('675)**

Claims 1 and 3 stand rejected as anticipated by Larrick *et al.* (U.S. Patent 5,618,675). Allegedly, the reference discloses SEQ ID NOS:7 and 11, which are both within the 12-37 residues of the rejected claims, and allegedly are a match for SEQ ID NOS:19 and 24 of the instant application. Applicants traverse.

First, with respect to independent claims 1 and 3, applicants note that these claims do not *recite* SEQ ID NOS:19 and 24, and thus the rejection is not proper to the extent it relies on these sequences. Second, a review of the sequence comparison attached to the Office Action does not reveal a 100% match over the entire sequence of SEQ ID NO: 21. Thus, the rejection does not appear properly applied to that sequence (this may be related to the §112, second paragraph rejection relating to "partial" sequences, and if so, is believed obviated by the amendment). **If applicants are mistaken, a call to the undersigned is requested to clarify and resolve this issues.** Third, SEQ ID NO:20 has been canceled from claims 1 and 3.

In light of these observations, applicants respectfully submit that the claims are not properly rejected over Larrick *et al.* ('675).

**B. Larrick et al. ('888)**

Claims 1 and 3 stand rejected as anticipated by Larrick *et al.* (U.S. Patent 6,103,888). Allegedly, the reference discloses SEQ ID NOS:7 and 11, which are both within the 12-37 residues of the rejected claims, and are a match for SEQ ID NOS:19 and 24 of the instant application.

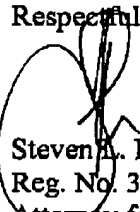
First, with respect to independent claims 1 and 3, applicants note that these claims do not *recite* SEQ ID NOS:19 and 24, and thus the rejection is not proper to the extent it relies on these sequences. Second, a review of the sequence comparison attached to the Office Action does not reveal a 100% match over the entire sequence of SEQ ID NO: 21. Thus, the rejection does not appear properly applied to that sequence (this may be related to the §112, second paragraph rejection relating to "partial" sequences, and if so, is believed obviated by the amendment). **If applicants are mistaken, a call to the undersigned is requested to clarify and resolve this issues.** Third, SEQ ID NO:20 has been canceled from claims 1 and 3.

In light of these observations, applicants respectfully submit that the claims are not properly rejected over Larrick *et al.* ('888).

**V. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is solicited. The examiner is invited to contact the undersigned at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application. Please date stamp and return the enclosed postcard as evidence of receipt.

Respectfully submitted,

  
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